

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ANDREY GUDIMA,

10 Petitioner,

11 v.

12 ALBERTO GONZALES, *et al.*,

13 Respondents.

CASE NO. C05-1117-RSL-JPD

ORDER FOR SERVICE,
AND FOR RETURN AND
STATUS REPORT

14 Petitioner has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241,
15 challenging his detention by the Bureau of Immigration and Customs Enforcement (“BICE”). It
16 is therefore ORDERED:

17 (1) The Clerk shall arrange for service upon Alberto Gonzales, United States Attorney
18 General in Washington, D.C., *et al.*, and upon the civil process clerk of the United States
19 Attorney for the Western District of Washington, with copies of the Petition, of all documents in
20 support thereof, and of this Order by registered or certified mail, return receipt requested. The
21 Clerk shall also direct copies of this Order to the Federal Public Defender and the Office of
22 Immigration Litigation in Washington, D.C.

23 (2) Petitioner alleges, *inter alia*, that his detention is unlawful because the BICE is unable

25 ORDER FOR SERVICE AND

26 STATUS REPORT

PAGE - 1

1 to effectuate his removal to Russia in the reasonably foreseeable future. Given this allegation,
2 the government is directed to submit evidence directed principally at the issue of petitioner's
3 "entry" into the United States and the likelihood of his removal, in a Return and Status Report
4 (RSR) showing cause why the Petition should not be granted. The RSR shall be filed not later
5 than thirty (30) days prior to the expiration of the six month presumptively permissible period of
6 detention, as set forth by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct.
7 2491, 150 L. Ed. 2d 653 (2001).

8 According to the Petition, the six month period in this case will expire on or about
9 September 2, 2005. Therefore, the RSR shall be filed no later than August 2, 2005.

10 (3) Counsel for petitioner may file a reply to the RSR within seven (7) business days of
11 receipt of the RSR.

12 (4) The Clerk is directed to also send a copy of this Order to the Honorable Robert S.
13 Lasnik.

14 DATED this 21st day of June, 2005.

15
16 
17 JAMES P. DONOHUE
18 United States Magistrate Judge
19
20
21
22
23
24
25
26

25 ORDER FOR SERVICE AND
26 STATUS REPORT
PAGE - 2